# STATE OF NEW YORK

8051

2025-2026 Regular Sessions

# IN ASSEMBLY

April 22, 2025

Introduced by M. of A. STERN -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to increasing penalties for the crimes of theft and fraud when directed against an elderly person

**The People of the State of New York, represented in Senate and Assembly, do enact as follows:**

Section 1. Legislative intent. This Legislature finds that theft and fraud against seniors have increased steadily since 2020. According to the FBI Internet Complaint Center's statistics, in 2023 elder fraud complaints increased 14%. The Legislature holds that crimes targeted against the elderly take a wide variety of forms, from check fraud to identity theft or through scams where individuals pose as tech support or even as family members. This Legislature further finds that according to NASDAQ's 2024 Financial Crimes Report, one in ten elderly Americans are victims of theft or fraud each year, in total, $77.7 billion in fraud globally has been linked to elderly victims.

Therefore, this Legislature finds that to combat the increasing occurrence of these crimes, and to treat them with the severity that they deserve, theft and fraud directed towards an elderly victim should hereby be classified as a separate crime that is classified as Class B felony.

§ 2. The penal law is amended by adding a new section 165.80 to read as follows:

**§ 165.80 Theft against an elderly person.**

**1. A person is guilty of theft against an elderly person when such person commits an offense defined in this title when the victim is an elderly person.**

**2. For the purposes of this section, "elderly person" means a person who is sixty years of age or older.**

**Theft against an elderly person is a class B felony.**

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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§ 3. The penal law is amended by adding a new section 190.91 to read as follows:

**§ 190.91 Fraud against an elderly person.**

**1. A person is guilty of fraud against an elderly person when such person commits an offense defined in this title when the victim is an elderly person.**

**2. For the purposes of this section, "elderly person" means a person who is sixty years of age or older.**

**Fraud against an elderly person is a class B felony.**

§ 4. This act shall take effect on the ninetieth day after it shall have become a law.